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Supreme Court, U.S.
FILED

No. 09-44

MAY 2 - 2009

OFFICE OF THE CLERK

In the Supreme Court of the United States

RAMON CANO

Petitioner

v.

HANSON AGGREGATES OF AZ

Respondent Employer

On Petition For Writ Of Certiorari
From the Arizona Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Ramon Cano
Counsel of Record
None
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Phoenix, AZ 82504
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Questions Presented For Review

Why did Hanson not present any records indicating what every employee is doing at any given time?

Why did the manager of Hanson Mr. Todd Hall no present himself in person to declare at the court?

Why was my cases denied based on the fact that I did not report the injury on time when the insurance lawyer said unsophisticated people could not know what they had until they are seen by a specialist?

List of Parties

Supreme Court of Arizona
1501 W. Washington
Phoenix AZ, 85007

Arizona Court of Appeals
1501 W. Washington
Phoenix AZ, 85007

Industrial Commission of Arizona
800 W. Washington
Phoenix AZ, 85007

Cross & Lieberman, P.A.
2001 W. Camelback Rd. Ste. 270
Phoenix AZ, 85015-3468

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Table of Authorities

Cases: None Used Page Number

Other

Opinions Below

No opinions were given about this case from any of the inferior courts.

Jurisdiction

The date on which the highest state court decided my case was the Arizona Court Of Appeals

A copy of that decision appears at Appendix .

A timely petition for rehearing was thereafter denied on the following date: 24, of March 2009 and a copy of the order denying rehearing appears at Appendix .

An extension of time to file the petition for a writ of certiorari was granted to and including on 8th of April, 2009 to 7th of May, 2009

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional and Statutory Provisions Involved

There were no constitutional and Statutory Provisions admitted into this case.

Statement of the Case

The main question of the court would be if the petitioners injury was indeed related to his work. The petitioner worked for Hanson roughly 16 years. During this time he worked in as Labor, Maintenance, Crusher Operator, Hull Truck Operator, Loader Operator and any other place the company wanted me. Defendant Employer and Defendant Carrier Cross Lieberman, P.A, said I was working 50 to 60 hours a week. This contributed to the degenerative physical condition I'm suffering. During the time the petitioner worked at Hanson he felt what he thought to be tired muscles but the pain was not that extreme to the point that he had to see a doctor. After the petitioner was terminated his pain still existed so he went to apply to Access Medical Insurance to help him pay for the doctor fee, this process took to long and finally he was forced to see a family doctor at his own expense. He was later transferred Dr. Glen Blair, a specialist in this type of back pain. Dr. Blair said that this type of degenerative disc disease was likely caused by his relation to his work. He also acknowledge that it would be fair to say that the applicant has degenerative disc disease because he is genetically coded to have that disease, which is highly improbable seeming as he is the only person in his family to have this injury. He told the petitioner that he should file a industrial commission case. Where Todd Hall, Manager of the plant, was suppose to testify to the court but Mr. Hall failed to show up. The case however was denied.

He went on to have back surgery in May of 2007. The petitioner later appealed that case to the Arizona Court of Appeals. Mr. Schroeder testified that the petitioner only worked 10 to 25% of the day outside of the tower. Even though they show no records indicating when he left the tower or when he switched jobs he did at the plant. It is also convenient that Hanson could not find the records stating what I did for the company knowing that every company should know what every employee is working on at that time. In conclusion this simply means it is Jim Schroeder, who works for Hanson against the petitioners word containing no actual evidence. Where it was denied a second time.

Afterwards he filed in a timely matter to the ASC Arizona Supreme Court. However the petition was denied. The main defense the defendant has is that the petitioner did not report his injury on time. Even though Dr. McLean claimed that unsophisticated people normally do not know what they have until seen by a specialists. Which is what happened in this case. I have been unable to work due to the pain my back causes me. I have been up to date on all my medical appointments yet there is no successful treatment. And Social Security has labeled me disabled.

Reasons for Granting the Petition

I believe the inferior courts did not consult my case well and did not answer the loop holes in which my case was left in. The lower courts were erroneous in the way that they did not follow through with highly important facts but yet choose to simply ignore them all completely leaving me totally short of even having a fair trial in my case. Like similar cases we are forced to ask ourselves if an immigrant from Mexico would be able to understand that his injury was indeed work related and not just what I thought to be tired muscles. This case deserves review because it compels to answer the question whether after 16 years of heavy construction work resulted in me being labeled disabled.

Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ramón Cano

Date: 07/30/09